

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action mailed April 10, 2008 and follows a June 4, 2008 telephone interview with the Examiner summarized below.

I. Introduction

Claims 1-10, 13-34, 36-39, 41-45 and 51-72 are pending in the application. Claims 1-10, 13-34, 36-39, 41-45, 51-53, 57-66 and 70-72 stand allowed. Claims 54-56, 67-69 stand rejected under 35 USC §101.

In response to the 35 USC §101 rejection Applicant has amended the rejected claims to recite "**physical** computer readable medium" instead of simply "computer readable medium" which the Examiner considered to be directed to unpatentable subject matter as possibly being directed to something that was not physical. The amendment is supported by the various examples of physical computer readable medium provided in the original application, including examples found in paragraphs 119 and 148 of the published application.

In view of the amendments made herein it is respectfully submitted that the rejection has been overcome and that the claims are now in condition for allowance.

II. Interview Summary

This interview is intended as a statement of the substance of the interview which occurred on June 4, 2008.

1. **Date of Interview:** June 4, 2008
2. **Type of Interview:** Telephonic
3. **Name of Participants:**
 - Examiner:** Philip Sobutka
 - Applicant's Rep:** Michael P. Straub

- 4. **Exhibit(s) Shown:** None
- 5. **Claims discussed:** Claims 54-56 and 67-69
- 6. **References Discussed:** None
- 7. **Proposed Amendments discussed:**

Applicant's representative proposed adding the term "physical" to claims 54-56 and 67-69 before the phrase "computer readable medium".

8. **Discussion of General Thrust of the Principal Arguments**

Applicant's representative argued that amending the claims which were rejected under §101 to include the word "physical" before "computer readable" would make it clear that a physical computer readable medium was being claimed as opposed to a non-physical medium, thereby addressing and overcoming the rejection made in the office action. It was also argued that the amendment did not raise any new prior art issues since it merely addressed the §101 rejection and that it should therefore be entered even though the Office Action was a final Office Action.

9. **Other Pertinent Matters Discussed:** None

10. **General Results/Outcome of Interview**

The Examiner indicated that the proposed amendment probably would overcome the rejection and be suitable for entry despite the final nature of the office action. However, the Examiner indicated that further consideration and review would be required before a final determination with regard to the patentability of the amended claims could be made.

III. Conclusion

Therefore, for at least the reasons presented above with respect to all of the pending claims subsequent to entry of this response, Applicants assert that all claims are patentably distinct from all of the art of record. All objections and rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Charge Statement: For this application, the Commissioner is hereby authorized to charge any required fees or credit any overpayment to Deposit Account 17-0026.

Respectfully submitted,
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Date: June 8, 2007

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